

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Boddu Veeraju and 21 others, all resident of Lagarai (V), Rajavommangi (M), East Godavari District, against the Proceedings of the District Collector, East Godavari District – U/s 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition Allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 12

Dated: 29.01.2014.
Read the following.

1. Proceedings of the Dist. Collector, East Godavari, Ref No. B2/2380/97, dated: 18-03-1998.
2. Sri Boddu Veeraju and 21 others, all resident of Lagarai (V), Rajavommangi (M), East Godavari District, dated:26-04-1998.
3. G.O.Ms.No. 81, SW.(CV2) Dept., dt. 25-07-2002.
4. Orders of the APHC, Hyderabad in W.P.No.16677/2002, Dated: 11-03-2010.
5. Govt. Memo No. 2358/CV.2/2010, dt. 29-03-2010 and reminders thereon.
6. From the District Collector, East Godavari, Lr.Ref.C5/M/1664/2002, dated:18.06.2010.,
7. Govt. Memo No. 2358/CV.2/2010, dated: 28-04-2012 and 30.08.2013.
8. Written Arguments dated: 12.09.2013 filed by the Appellants before the Government.

ORDER:

In the reference 1st read above, the District Collector, East Godavari has issued orders canceling Scheduled Tribe 'Konda Kapu' Caste Certificates obtained from the then Tahsildar, Rajavommangi by Sri Boddu Veeraju and 21 others, all resident of Lagarai (V), Rajavommangi (M), East Godavari District.

2. Sri Boddu Veeraju and 21 others have filed Appeal Petition before the Government against the orders of the District Collector. After examination of the Appeal Petition in the reference 3rd read above orders were issued by the Government rejecting the Appeal Petition of Sri Boddu Veeraju and 21 others duly confirming the orders issued by the District Collector, East Godavari District in the reference 1st read above.

3. Sri Boddu Veeraju and 21 others have filed W.P.No. 16677 of 2002 in the Hon'ble High Court of A. P. challenging the order of confirmation by Government of Andhra Pradesh in G.O.Ms No.81 SW(CV.2) Department dated 25.07.2002 upholding the cancellation of ST certificates by the District Collector and to suspend the operation of order passed by the District Collector in proceedings Ref No. B2/2380/97, dated: 18-03-1998 and alleging the said action of the District Collector as arbitrary, illegal and consequently set aside the same.

4. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, Hyderabad has set aside the orders issued in the reference 3rd read above and remitted the matter to the Government directing to re-hear the case and pass an appropriate order afresh. Since the dispute is pending for nearly two decades, the petitioner is not present on the date of hearing fixed by Government the case has been decided on the basis of the material available with Government on record.

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5. As per the order dated:11-03-2010 of the Hon'ble High Court of Andhra Pradesh, Hyderabad in W.P.No. 16677 of 2002, the District Collector, East Godavari (Kakinada) was requested to furnish connected records to finalize the Appeal Petition of Sri Boddu Veeraju and 21 others, in the reference 5th read above.

6. In the reference 6th read above, the District Collector, East Godavari (Kakinada) has furnished the original connected records of Sri Boddu Veeraju and 21 others.

7. The said Appeal Petition has been posted for hearing on 10.05.2012 and finally on 12.09.2013 and the same has been informed to the Appellants. Counsel for the Appellants were requested to attend the hearing of the case with all documentary evidences/ certificates in favour of their community claim in the reference 7th read above. The Advocate for Appellants were present and argued the case and explained their client's community status as ST- Konda Kapu and the Appellants filed written arguments before the Appellate Authority in the reference 8th read above.

8. Government has examined the records and Proceedings of the District Collector, East Godavari District dated. 18-03-1998, grounds of Appeal filed by the Appellants. In the written arguments, the Counsel for the Appellants has contented that Appellants were born at Lagarai Village of Rajavommangi Mandal of East Godavari District and since 1940 onwards their forefathers are residing in the agency area and as per the genealogy the late Boddu Kondaiah, the father of the appellant died when the 1st Appellant was 8 years old and their families were spread over to East Godavari, West Godavari, Visakhapatnam and Orissa. They were holding properties since 1902 at Lagarai Village, which is found on perusal of the Ryotwari Pattas granted in their favour by the Settlement Authorities. From the A.P. Gazette, issued in 1953, 1963 it is clearly evident that Konda Kapu, Mannem Kapu, and Kapus of Visakhapatnam and East Godavari Districts were treated in the category of "Hill Tribes". Based on this, the authorities used to issue caste certificates, after due enquiries treating them as STs. The same fact can also be noted on perusal of several Judgments in LTR Cases right from 1963 onwards. It is also stated by the learned counsel that the various officials issued the certificates treating them as STs after due enquiries and the same cannot be ignored. Further, the names of the petitioners were shown in the Voters list also as ST and that the 1st Appellant contested as Sarpanch during the years 1962-70 under reserved quota for STs. The customs and practices of the Boddu family of Lagarai Village establish that they belong to KondaKapu and also known as Mannem Kapu, Pandava Kapu, which falls under ST category. Even the last rites of the ascendants of the Appellant were being performed by way of Jangalu, which is also a basis for a Tribal character and the same is being followed even by the Appellants.

9. Government after examination of the above documentary evidences and records, District Level Scrutiny Committee finalizations, proceedings of the District Collector, it is observed that without considering the above material aspects and the documents filed by the Appellants, the District Collector passed orders and the same was confirmed by the Government also having been carried away by the order of the District Collector. But the same when challenged before the Hon'ble High Court of A.P by the Appellants the order was set- aside as stated supra.

10. In the circumstances stated supra and in exercise of the powers conferred U/s 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No16 of 1993), and the Rules issued in G.O. Ms. No .58, Social

Welfare (J2) Department, dated:12.05.1997, Government is hereby allow the Appeal Petition filed by Sri Boddu Veeraju and 21 others, all residents of Lagarai (V), Rajavommangi (M), East Godavari District, and the Proceedings of the District Collector, East Godavari issued in the Ref.No.B2/2380/97, dated: 18.03.1998 is hereby set aside, by upholding the ST 'Konda Kapu' Community Certificate issued by the Tahsildar, Rajavommangi previously.

11. The District Collector, East Godavari shall take necessary action in the matter.

12. The records (containing R.Dis.No. B2/2380/97, dated: 27.04.1998, pages 01 to 600 CF and 01-36 NF) received from District Collector, East Godavari, through 6th read above, are returned herewith in original to District Collector, East Godavari and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)**

To

The District Collector, East Godavari (we) (By RPAD)
(With original records).

Sri Boddu Veeraju and 21 others, All R/o Lagarai (V),
Rajavommangi (M), East Godavari District.

Copy to:

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER